

RESOLUTION NO. 92-213

A RESOLUTION AMENDING SECTION 13 OF THE DELTA CITY PERSONNEL POLICY MANUAL BY ADOPTING A NEW SECTION (SECTION I) ENTITLED "ON-CALL COMPENSATION" TO COMPENSATE DELTA CITY PERSONNEL REQUIRED TO BE "ON-CALL" AFTER REGULAR WORK HOURS.

The City Council of the City of Delta, Utah, referred to herein as the "City Council", hereby recites the following as the basis for adopting this resolution:

RECITALS

A. The City Council has by Resolution 81-41 dated July 13, 1981 adopted a Personnel Policy Manual for the City of Delta, Utah which has been amended from time to time.

B. The City Council has recognized that certain municipal employees are required to carry pagers after regular work hours to be "on-call" in the event of an emergency affecting Delta City.

C. The City Council now desires to compensate such employees for time spent "on-call", after working a regular work day consisting of an eight (8) hour day.

D. The compensation provided for herein shall be additional compensation for those employees requested to carry pagers after a regular work day consisting of an eight (8) hour day and shall not be classified as "overtime compensation" as such "overtime compensation" is governed by the rules and regulations set forth in the Fair Labor Standards Act.

E. The City Council now desires to amend the Delta City Personnel Policy Manual by adopting the additional amendments set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Delta, Utah:

Section 1. On-Call Compensation. The following provision entitled "On-Call Compensation" is hereby enacted as Section 13.I. of the Delta City Personnel Policy Manual.

13.I. On-Call Compensation. It shall be the policy of Delta City to compensate those city employees requested to carry pagers (on-call) after regular work hours, to respond to an emergency affecting Delta City's public works or animal control, as follows:

(A) Response Time and Personnel Duties. The levels of response time and the duties accompanying the personnel involved therein shall be as follows:

(1) Level 1 Personnel. Level 1 Personnel shall be within fifteen (15) minutes of the work related emergency situation occurring in or near Delta, Utah. Such personnel shall be responsible to handle any problems, trouble areas or alarms affecting the public works department, that occur during the time said employee is on call. Such employees shall be responsible to request back-up assistance if in his/her opinion back-up assistance is necessary.

(2) Level 2 Personnel. Level 2 Personnel shall be a "back-up" to the Level 1 initial response. Level 2 Personnel shall be within thirty (30) minutes of the work-related emergency situation. If requested to assist Level 1 Personnel, said employee must be so situated to communicate immediately (radio, walkie-talkie, telephone, etc.) to said Level 1 Personnel.

(3) Level 3 Personnel. Level 3 Personnel shall be responsible for animal control within Delta City limits. Level 3 Personnel shall respond to an animal control situation within sixty (60) minutes of notification.

(B) Computing On-Call Time. Except as specifically set forth in this section, an employee shall be deemed on-call as follows:

(1) Monday-Friday. During the regular work week, an employee requested to carry a pager, shall be on call from 6:00 a.m. to 8:00 a.m. and from 5:00 p.m. to 10:00 p.m. of each work day. The eight hour interval from 10:00 p.m. to 6:00 a.m. shall constitute "sleep-time" for which an employee is not eligible for on-call compensation.

(2) Saturday and Sunday. On weekends, an employee requested to carry a pager, shall be deemed to be on call from 6:00 a.m. to 10:00 p.m. on Saturday, and from 6:00 a.m. to 10:00 p.m. on Sunday.

(3) Holidays, Vacation Days. All holidays and vacation days shall be treated as regular workdays for purposes of computing time for on-call duty, unless such holiday or vacation day falls on a

weekend, in which case on-call duty shall be computed pursuant to Paragraph B(2) above.

(C) Application of the Fair Labor Standards Act. When a regular employee is called out in response to an emergency situation, he/she will be paid at the rate of 1 1/2 times the regular salary, in accordance with the Fair Labor Standards Act. An employee will not receive pager compensation while working overtime in an emergency situation.

(D) Pager (On-Call) Compensation. Pager compensation shall be paid at the following rates:

- (1) Level 1: \$1.00 per hour
- (2) Level 2: \$0.60 per hour
- (3) Level 3: \$0.35 per hour

(E) Replacement Personnnel. If an employee is unable to fulfill any of his/her on-call duties, it is the employee's responsibility to arrange for a replacement. Only the employee on-call, or the replacement on call shall be paid pager compensation.

Section 2. Effective Date. This resolution shall become effective upon adoption.

Section 3. Severability. In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

Section 4. Repeal of Conflicting Resolutions. To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED this 24TH day of August, 1992.


DON DAFOE, Mayor

Attest:


DOROTHY JEFFERY
City Recorder